

PETER BUCKLEY.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3105.]

The Committee on Military Affairs, to whom was referred the bill (S. 3105) entitled "An act to correct the military record of Peter Buckley," having had the same under consideration, report it back to the House with the recommendation that the same do pass.

The Senate Report No. 460 is hereby adopted as being a fair presentation of the case.

[Senate Report No. 460, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, having duly considered the bill (S. 3105) to correct the military record of Peter Buckley, recommend that it do pass.

A precisely similar bill (S. 2355) passed the Senate on favorable report (No. 1112) of the committee, and was favorably reported in the House during the Fifty-fourth Congress.

So much of the report of this committee above referred to as follows is adopted and made a part of this report, viz:

The Committee on Military Affairs, to whom was referred the bill (S. 2355) to remove the charge of desertion from the military record of Peter Buckley, have had the same under consideration, and submit the following report with an amendment to the bill:

Peter Buckley, now of Norwalk, Conn., was born December 25, 1840. He was enlisted as a private April 20, 1861, in Company E, Eleventh New York Volunteers, otherwise known as the Ellsworth Zouaves, to serve two years. He was returned as a deserter August 1, 1861. When he enlisted he was a minor, and his guardian was Dr. Drake, of New York, now dead. George W. Quintard, of the Quintard Iron Works, of New York City, certified that Buckley was an apprentice under him at the Morgan Iron Works up to April, 1861; that he was not of age, and left before his time had expired.

The evidence shows that young Buckley ran away and enlisted without the consent of his guardian. At the battle of Bull Run, July 21, 1861, the regiment was badly broken up. A part of the regiment was afterwards stationed at Annapolis, Md. During that time Capt. J. B. Leverich, of Company E, gave Buckley and others leaves of absence to go to New York City. They went there in charge of Lieutenant Berry. Dr. Drake, guardian, refused to let Buckley return, and ordered him back to

his work in the iron works, promising to obtain his honorable discharge as a minor when the regiment should be mustered out.

Buckley declares that the first notice he had that he was returned as a deserter was when he applied, October, 1886, for his discharge. Two credible witnesses testify as to the refusal of the guardian to let Buckley return to service because the guardian was on Buckley's apprenticeship bond. These witnesses were workmen with Buckley. One of them, who worked beside Buckley in the same room, heard these facts at the time from the guardian and from Buckley.

Buckley was where he could have been easily reached at any time if he had been treated as a deserter. It is in evidence that he is and has been a man of excellent reputation, a consistent member of the church, which has contributed a large part to his support.

Buckley made application under the act of July 5, 1884, for relief, but his case did not come within the law.

Under the circumstances the committee recommend the passage of the bill.

